

## **Part 6.84**

### **Determinations of Public Convenience or Necessity For An Alcoholic Beverage Control License**

#### **6.84.010 Purpose**

The purpose of this Part is to provide appropriate feedback to the State of California in connection with the issuance of licenses for the off-sale of alcoholic beverages by the California Department of Alcoholic Beverage Control in those areas that are deemed to be over-concentrated with off-sale outlets or those areas that are considered high crime, as specified in Business and Professions Code Section 23958 *et seq.*, as the same may be amended from time to time.

#### **6.84.020 Director**

“Director,” for the purposes of and as used in this Chapter, means the Director of Planning Building and Code Enforcement.

#### **6.84.030 Findings**

- A. Whenever a request for a determination of public convenience or necessity in connection with the issuance of a license for the off-sale of alcoholic beverages by the California Department of Alcoholic Beverage Control is submitted to the City as allowed under California Business and Professions Code Section 23958.4, as the same may be amended from time to time, the request and any appeal shall be processed utilizing the process provisions of a conditional use permit contained in Chapter 20.100 of Title 20 of this Code.
- B. Subject to the provisions of this Section, the Planning Commission, or the City Council on appeal, may issue a determination of public convenience or necessity in connection with an application for a license from the California Department of Alcoholic Beverage Control for the off-sale of alcoholic beverages only after first finding that:
  - 1. The proposed use is not located within a Strong Neighborhoods Initiative or Neighborhood Revitalization area or other area designated by the City for targeted neighborhood enhancement services or programs, or located within an area in which the Chief of Police has determined that the proposed use: (a) would be detrimental to the public health, safety, or welfare of persons located in the area, or (b) would increase the severity of existing law enforcement or public nuisance problems in the area; and
  - 2. The proposed use would not lead to the grouping of more than four (4) off-sale uses within a one thousand (1,000) foot radius from the proposed use; and

3. The proposed use would not be located within five hundred (500) feet of a school, day care center, public park, social services agency, or residential care or service facility, or within one hundred fifty (150) feet of a residence; and
4. Alcohol sales would not represent a majority of the proposed use.

Notwithstanding the foregoing, the City Council, on appeal, may issue a determination of public convenience or necessity in connection with an application for a license from the California Department of Alcoholic Beverage Control for the off-sale of alcoholic beverages where the City Council does all of the following: (a) makes a determination that not all of the preceding findings can be made; (b) identifies and finds that a significant and overriding public benefit or benefits will be served by the proposed use.

- C. The Planning Commission, or the City Council on appeal, may issue a determination of public convenience or necessity in connection with an application for a license from the California Department of Alcoholic Beverage Control for the off-sale of alcoholic beverages only after first finding that:
  1. The census tract in which the proposed outlet for the off-sale of alcoholic beverages is located is unusually configured and the proposed outlet would act as a convenience to an underserved portion of the community without presenting a significant impact on public health or safety; or
  2. The proposed outlet for the off-sale of alcoholic beverages would enhance or facilitate the vitality of an existing commercial area without presenting a significant impact on public health or safety; or
  3. The census tract in which the proposed outlet is located has a low population density in relation to other census tracts in the City, and the proposed outlet would not contribute to an over-concentration in the absolute numbers of outlets for the off-sale of alcoholic beverages in the area; or
  4. The proposed off-sale of alcoholic beverages is incidental and appurtenant to a larger retail use and provides for a more complete and convenient shopping experience.
- D. Nothing contained in this Chapter shall be deemed or construed as requiring the Planning Commission, or City Council on appeal, to issue a determination of public convenience or necessity under the provisions of this Chapter. Under no circumstances shall an applicant for a determination of public convenience or necessity under this Chapter have a right to such determination, and nothing contained in this Chapter shall be deemed or construed to confer upon any applicant a right to have a determination of public convenience or necessity made for any particular site.